
A BILL FOR AN ACT

RELATING TO NOISE POLLUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 342F, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§342F- Helicopters; public nuisance; noise pollution;
5 private right of action. (a) Any person who is aggrieved by a
6 violation of the Federal Aviation Act and existing federal laws
7 shall have a right of action and may bring a civil action
8 against the owner or operator of the helicopter in the district
9 court of the district in which the violation occurred to enjoin
10 further violations and to recover three times the person's
11 actual damages, or \$1,000, for each violation, whichever sum is
12 greater. A person bringing an action pursuant to this
13 subsection shall also be entitled to recover the costs of the
14 suit, including reasonable attorney's fees.

15 (b) This section shall not apply to any helicopter:

16 (1) Owned or operated by a government agency or
17 organization; or



1 (2) Used to supply emergency services such as emergency
2 aeromedical services or search and rescue services."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on June 30, 2050.



Report Title:

Helicopters; Noise Pollution; Public Nuisance; Federal Aviation Act; Private Right of Action

Description:

Establishes a private right of action for any person aggrieved by a violation of the Federal Aviation Act and existing federal laws to bring a civil action against the owner or operator of the helicopter in violation and collect damages and litigation costs. Effective 6/30/2050. (SD1)

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